

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA.

) Magistrate Docket No.

Plaintiff,

'08 MJ 188 1

) COMPLAINT FOR VIOLATION OF:

V.

) Title 8, U.S.C., Section 1326

Deported Alien Found in the

) United States

Defendant

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The undersigned complainant, being duly sworn, states:

On or about **June 16, 2008** within the Southern District of California, defendant, **Ismael LOPEZ-Pineda**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 18th DAY OF June, 2008


Nita L. Stormes
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:
Ismael LOPEZ-Pineda

TWM

PROBABLE CAUSE STATEMENT

On June 16, 2008, at approximately 7:30 PM, Border Patrol Agent I. Ortiz responded to the activation of a seismic intrusion device in an area near Dulzura, California. This area is approximately seven and half miles west of the Tecate, California Port of Entry and two and half miles north of the International Border between the United States and Mexico.

Upon responding to the area, Agent Ortiz observed several individuals walking north on a foot trail. Agent Ortiz approached the subjects and identified herself as a United States Border Patrol Agent. Agent Ortiz questioned each of the individuals, including one later identified as the defendant, **Ismael LOPEZ- Pineda** to determine their citizenship and immigration status. When asked where they were born and of what country they were citizens, the defendant and the others stated "Mexico." When asked if they possessed any valid U.S. Immigration documents allowing them to enter into or remain within the United States legally, the defendant and the others stated "no." Through further questioning, the defendant admitted that he was attempting to travel to San Diego, California to find a job. At approximately 8:50 pm, the defendant and the others were arrested and transported to the Brown Field Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on or about **February 26, 2007**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was read his Miranda rights, which he acknowledged and was willing to make a statement without an attorney present. The defendant stated that he was a citizen and national of Mexico without valid immigration documents to enter or remain within the United States legally.